



Entered on Docket
August 26, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Stipulated Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Ocean Atlantic Loan as to
Norman Kiven only and Vacating Hearing**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m..

The continued hearing on the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Ocean Atlantic \$9,425,000 Loan ("Ocean Atlantic ") [DE 8296] (the "Objection") as to the Proofs of Claim of Norman Kiven only came before the Court for consideration on July 26,2011. The Court being advised that Mr. Kiven no longer wanted to pursue a response to the

objection. The Court continued the hearing to August 30, 2011 at 9:30 a.m. and requested a stipulated order be submitted. Therefore, it is hereby

ORDERED:

1. Sustaining the objection [8296] and Proofs of Claim 10725-01297 and 10725-01478 filed by Norman Kiven are disallowed to the extent those claims are based upon an investment in the Ocean Atlantic Loan as set forth on Exhibit A attached to the objection.
2. The disallowance of Proofs of Claim 10725-01297 and 10725-01478 does not affect Mr. Kiven's claims on the applicable direct loan. and
3. Vacating the hearing scheduled for August 30, 2011 at 10:30 a.m.

Stipulated and agreed to:

SUGAR & FELSENTHAL LLP

s/ Leland H. Chait
30 N. LaSalle Street, Suite 3000
Chicago, IL 60602
E-mail: Lchait@sflp-law.com
Attorneys for Norman Kiven

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ #018024)
Robert M. Charles, Jr.
John Hinderaker (*pro hac vice*)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone: (702) 949-8320
Facsimile: (702) 949-8321
Attorneys for USACM Liquidating Trust

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Leland H. Chait</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

